THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.7867 of 2007

Date: 17.04.2007

Between:
Rahaan Ahmmed.

....Petitioner

and

Transmission Corporation of A.P. Ltd. and others.

....Respondents

O R D E R:

Petitioner is provided with the power supply through service connection No.S-48724 under Category-I at Kamalapuri Colony, Hyderabad. An inspection was caused on 26.03.2007 and it was found that the power valued at Rs.37,638/- was pilfered by the petitioner. An order of provisional assessment, dated 31.03.2007, was issued to the petitioner and it was indicated that if the petitioner wants continuance of power supply, he must pay 50% of the amount being Rs.18,819/-. The petitioner challenges the same in this writ petition.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

The Electricity Act, 2003 (for short 'the Act') brought about substantial changes in the relation between the power supplier and the consumers. A Division Bench of this Court interpreted Section 126 of the Act in W.A.Nos.452 and 477 of 2004 to the effect that no amounts can be demanded on the basis of orders of provisional assessment. It was also indicated that the liability of the consumer would arise only after an order of final assessment is issued.

Following the same, the writ petition is disposed of, directing that the respondents shall not disconnect the power

supply to the petitioner. It is, however, made clear that the petitioner shall be liable to pay the amount that may be indicated in the order of final assessment or any other proceedings as may be initiated by the respondents, in accordance with law. There shall be no order as to costs.

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17.04.2007

Note: Issue c.c. tomorrow.
(B/o)
kdl